
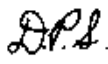





ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

AGENDA OF:	5/28/08	AGENDA REQUEST NO:	III A
INITIATED BY:	HAROLD ELLIS, PLANNER II 	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	HAROLD ELLIS, PLANNER II	ASSISTANT PLANNING DIRECTOR:	DOUGLAS P. SCHOMBURG, AICP 
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	REQUESTED VARIANCE TO THE RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT REAR YARD SETBACK REQUIREMENT FOR 5 SILVERLOCH CT PUBLIC HEARING, CONSIDERATION AND ACTION		
EXHIBITS:	STAFF REPORT WITH AERIAL, VICINITY MAP, SITE PLAN, SITE PHOTOS, VARIANCE APPLICATION, PUBLIC HEARING NOTICE		
CLEARANCES		APPROVAL	
LEGAL:	N/A	DIRECTOR OF PLANNING:	SABINE SOMERS-KUENZEL, AICP 
RECOMMENDED ACTION			
The staff does not typically make recommendations regarding variances.			
EXECUTIVE SUMMARY			
<p>This is a request for a variance to the Restricted Single-Family Residential (R-1R) district rear yard setback requirement for 5 Silverloch Court. The applicant would like to construct a covered rear porch/outdoor kitchen which would not meet the setbacks for the zoning district. The existing home does meet the setbacks, and was constructed in 2000, following the City's annexation of Sweetwater Section 8 in 1997, which is why a Special Exception is not an option in this case. The rear yard setback for the R-1R zoning district is 30'. The new porch would be 17' 10" from the property line, therefore the variance requested would be a total of 12' 2". There is no lot coverage or other Development Code issue with the addition.</p>			
CC: James and Rebecca Pruett, jhwk4@aol.com File No. 9781			

STAFF REPORT***Sec. 2-44. Public Hearing.***

After receiving a proper application, the Director will schedule a public hearing on the variance before the Board. At least ten days prior to the hearing, written notice of the time and place of the hearing must be given to the person filing the appeal and to the owners of adjoining properties within 200 feet in the same manner in which adjoining properties are given notice of a hearing before the Commission for a change in zoning classification.

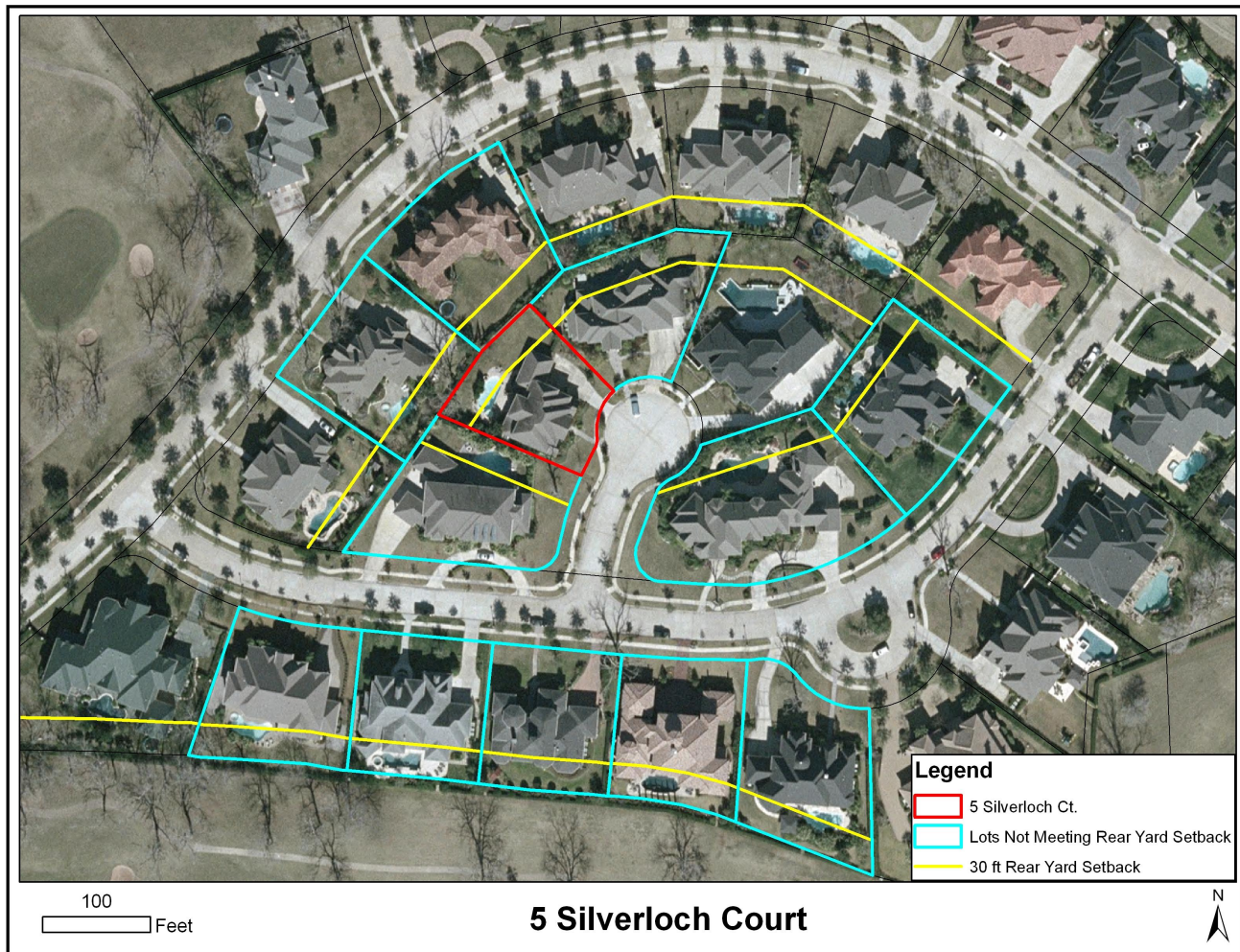
A public hearing has been scheduled. Notice of the hearing was published in a newspaper of general circulation. All property owners within 200' of the site/s were notified. In addition, a courtesy notification sign was placed at the site. At the time of this report, staff has received one phone call regarding the variance, which was informational in nature.

Site Analysis and Discussion:

A key factor when considering a variance case is whether there appears to be special circumstances which exist. In this rear setback case, there appear to be possible special circumstances. When many of the homes were constructed in this area, approximately the '99-'00 time period, homes were built using the either private restrictions or rear utility lines for rear yard setbacks, which do not meet the zoning setback. Per Chapter Two, Article II, Section 2-73 (a) of the Development Code, the rear setback for the restricted Single-Family Residential zoning district is 30'.

Staff has conducted an examination of characteristics of other rear yards in the area (lots referenced are shown on aerial)

<u>Address</u>	<u>Rear Setback Compliance</u>	<u>Lot Coverage</u>	<u>Approx Rear S/B</u>	<u>Lot Size</u>	<u>House Size</u>
5 Silverloch Ct	Yes	20%	32'	13,717	4,336 sq ft
7 Silverloch Ct	No	29%	23.6'	16,233	5,637
4 Cypress Ridge Drive	No	27%	24'	17,539	5,579
6 Cypress Ridge Drive	No	34%	26'	15,977	7,260
7 Cypress Ridge Drive	No	23%	27'	19,626	6,373
8 Cypress Ridge Drive	No	27%	22'	15,888	6,312
10 Cypress Ridge Drive	No	33%	18'	16,106	6,518
11 Cypress Ridge Drive	No	18%	28'	26,743	6,446
12 Cypress Ridge Drive	No	22%	21'	18,501	5,259
19 Cypress Ridge Drive	No	23%	21'	18,899	6,722
19 Ellicott Way	No	21%	28'	18,985	5,444
21 Ellicott Way	No	20%	23'	18,573	4,487
	Averages:	24.75	24.46	18,065	5,864



Points for Consideration/Variance Criteria:

Sec. 2-45. Board Decision.

After the public hearing, the Board may, by the affirmative vote of 75% of its members, grant a variance to the terms of these zoning regulations if the Board finds:

(a) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to the land or building and do not apply generally to land or buildings in the same zoning district or neighborhood, and that the circumstances or conditions are such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of such land or building; and

The board will determine if special circumstances or conditions exist, the following information has been gathered by staff. The average lot size for the lots in the nearby area is 18,065 square feet, and the average home size is 5,864 square feet. The lot size for the property in question is 13,717 and the home is 4,336. Per Chapter Two, Article II, Section 2-73 (a) of the Development Code, the minimum lot size for the Restricted Single-Family Residential (R-1R) Zoning District is 9,500 square feet. While the property in question does meet the minimum regulations, it is over 4,300 square feet smaller than the average lot size in the area. Additionally, the home in question currently has a rear setback of approximately 32', while the average rear setback in the nearby area is 24.46'.

(b) That the granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located; and

While the Board will determine after the public hearing if granting the variance will be detrimental to the public welfare, no safety issues have been identified by staff.

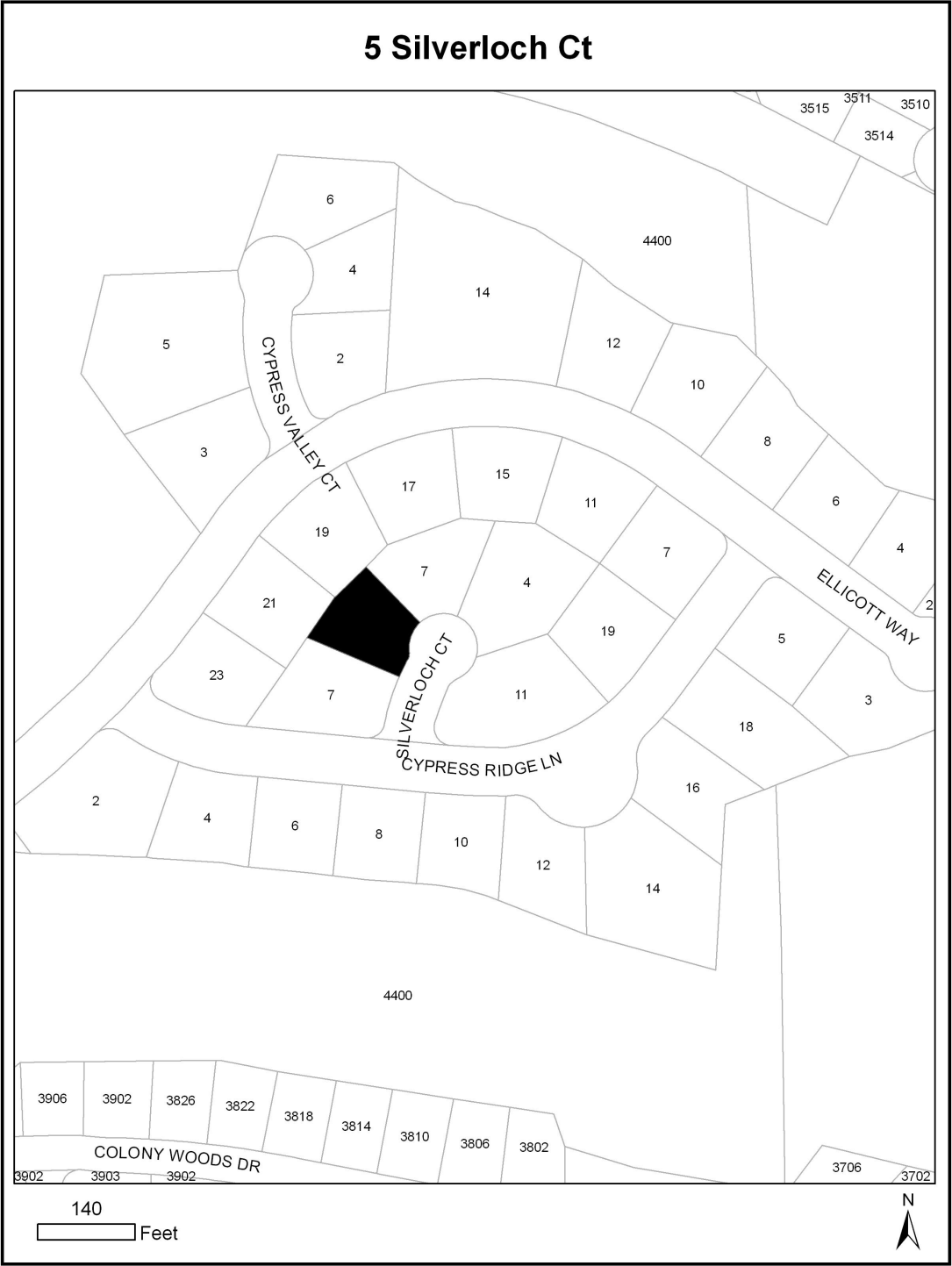
(c) That the granting of the variance is necessary for the reasonable use of the land or Building and is the minimum variance that will accomplish this purpose; and

This property is currently being used as a single family residence. If this variance is granted, it would be the minimum needed construct the porch as currently designed. The applicant believes that the rear porch is reasonable for the use of the land. As stated above, the Board must determine whether a variance is needed for the reasonable use of the property. If constructed, the porch would have dimensions of 18' X 20', which results in a square footage of 360.

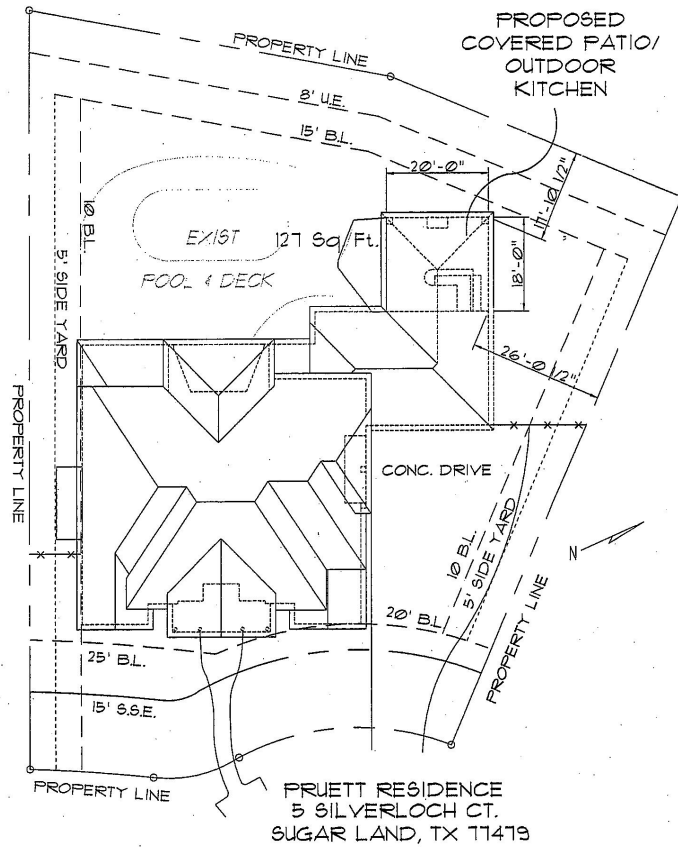
(d) That literal enforcement and strict application of the provisions of these zoning regulations will result in an unnecessary hardship inconsistent with the general provisions and intent of these zoning regulations and that, in granting the variance, the spirit of these zoning regulations will be preserved and substantial justice done.

The Board will determine if a hardship exists. This question primarily deals with what is an unnecessary hardship and needs to relate to the special circumstances of the land or structure (see a, above), rather than solely economic circumstances.

Vicinity Map:



Proposed Site Plan: (Can be attached as a condition to variance approval)



SITE PLA
SCALE: N.T

Site Photos:



The porch would extend out from the wall shown below



Angle facing area where porch would extend outwards



Site Photos:

Showing location of proposed porch



Showing location of adjacent home



Showing adjacent home and porch location



Application:



RECEIVED

MAY 05 2008

PLANNING

FOR OFFICE USE
Accounting Code: ZC

CITY OF SUGAR LAND
ZONING OR SUBDIVISION REGULATION
VARIANCE REQUEST APPLICATION

Please fill out the following information & return your submittal to the Planning Department, 2700 Town Center Blvd., N., Sugar Land, TX 77479, Attention: Gretchen Pyle

SUBDIVISION / PROJECT NAME:

Sweetwater 8 / outdoor kitchen

APPLICANT:

James and Rebecca Pruet

Address:

5 Silverloch St., Sugar Land TX, 77479

Company:

Phone: 281-980-4015

Fax:

Email: jhwk4@aol.com

OWNER / AGENT:

Contact / Company:

Address:

Phone:

Fax:

Email:

Type of Variance: (check one) ☒ Zoning ☐ Subdivision Regulations
Section of Ordinance from which variance is being sought:

2-73

Variance Justification:

Special Circumstances: See Attached

Public Welfare: See Attached

Necessity: See Attached

Reasonable Alternatives: See Attached

Application (Con't):

PRUETT
OUTDOOR KITCHEN
VARIANCE REQUEST

RECEIVED

MAY 05 2008

PLANNING

Special Circumstances: Our house is located in a cul de sac on a fan-shaped lot. We built our house small enough to enjoy the large back yard. After we put the pool in we still had quite of bit of land available but because of the area's shape, we cannot build an outdoor kitchen that is within the 30 ft. set back requirement. Coming straight back from the garage, one side of the kitchen would be 25 ft. from the fence while the other side, which is the exact same measurement as the other side, would be 17 ft. from the fence. Due to the way the yard fans, and the location of the pool, there is no place we can place it where it won't violate the 30 ft. setback.

Public Welfare: The kitchen does not impose any problems for public welfare and was signed off by all four neighbors who border our back yard (see attachments). A number of those neighbors also have back yard structures that are within the 30 ft. set back. We are also not on the golf course, so it doesn't provide an interference problem there either. The outdoor kitchen, therefore, would be in keeping with the character and appearance of the our neighborhood and does not deviate from the manner in which our neighbors have utilized their back yards.

Necessity: The kitchen would improve the aesthetics of the back yard and add functionality giving us greater enjoyment of our backyard. It will look like it is a natural and logical extension of the house, utilizing the same brick, stucco and roofing materials as the house. It will still allow for a great percent of the yard to be open.

Reasonable Alternative: There is no other area in which to place the kitchen because of either pool interference or lack of square footage between the proposed structure and the side fences. Again, due to the shape of the yard, the best location is straight behind the garage where it cannot be seen from the front of the cul de sac and doesn't detract from any neighbor's view.

NOTICE OF PUBLIC HEARING

REQUESTED VARIANCE TO THE REAR YARD SETBACK REQUIREMENT FOR PROPERTY LOCATED AT 5 SILVERLOCH COURT, IN THE RESTRICTED SINGLE FAMILY RESIDENTIAL (R-1R) DISTRICT

NOTICE OF PUBLIC HEARING REGARDING A REQUESTED VARIANCE TO THE REAR YARD SETBACK REQUIREMENT FOR PROPERTY LOCATED AT 5 SILVERLOCH COURT, IN THE RESTRICTED SINGLE FAMILY RESIDENTIAL (R-1R) DISTRICT, MORE SPECIFICALLY DESCRIBED AS SWEETWATER SUBDIVISION SECTION 8, BLOCK 1, LOT 12, PLATTED AS INSTRUMENT NUMBER 9830672, IN SLIDE NUMBER 1718B IN THE FORT BEND COUNTY PLAT RECORDS.

PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED VARIANCE REQUEST SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

**WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
CITY HALL
2700 TOWN CENTER BOULEVARD NORTH
SUGAR LAND, TEXAS**

**WHEN: CITY OF SUGAR LAND
ZONING BOARD OF ADJUSTMENT
5 PM, MAY 28, 2008**

DETAILS OF THE PROPOSED ZONING VARIANCE MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.